



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

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January 21, 2016

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Re: *Commonwealth v. Charles Severance*, Case No. FE-2015-430

Letter Opinion with Regard to Sentencing

Dear Counsel:

Charles Severance is before the Court today to be sentenced following the jury's verdict finding him Guilty on ten felony counts, including two counts of Capital Murder and one count of First Degree Murder.

As you know, this Court presided over the trial of this matter and heard all the evidence adduced at trial. This Court also listened carefully to the testimony of each of the family members who testified during the sentencing phase of the case. These were: Gregory Giammittorio, Lucia Lodato, Norman Lodato, Molly Kirby, Ann Haynes, Marilyn Kirby, Patty Moran, and Elizabeth Dunning.

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The Court has carefully reviewed the Presentence Report, including the Victim Impact Statements submitted by ten individuals. These statements were all from family members of the Dunning, Kirby and Lodato families.

Upon entry of the Court's sentencing order following today's hearing, and in accordance with Virginia Code Section 19.2-299.1, the Victim Impact Statements will be placed under seal. Victim Impact Statements are submitted before sentencing, however, so that they "may be considered by the court in determining the appropriate sentence."

Among other matters, family members of homicide victims are permitted by statute to "identify the nature and extent of any physical or psychological injury suffered by the victim as a result of the offense" and to "detail any change in the victim's personal welfare, lifestyle or familial relationship as a result of the offense." This they have done, and what the Court takes away from these Victim Impact Statements, and all the other materials in the Court's possession, is the following:

Charles Severance -- by his willful, intentional, deliberate, premeditated, malicious and cruel conduct -- shattered the lives of these three families. They will never, ever, recover from what he did.

Charles Severance stole a mother from the son and daughter of Nancy Dunning and he stole another mother from the three daughters of Ruthanne Lodato. He stole a father from the son and daughter of Ronald Kirby. Seven sons and daughters he did this to. As one of those daughters wrote in her Victim Impact Statement: "There is no way to put into words how much the loss of my Mom has altered my life. It's a void that will never be filled. I think about my Mom each and every day. And I feel sad every single day that she's gone."

Charles Severance stole from brothers and sisters their beloved brother and sisters. He stole from two husbands their wives and he stole from one wife her husband. "We had talked about growing old together," wrote one family member. "Now I grow old alone."

And there is more. Charles Severance stole a daughter from her elderly mother, and he murdered that daughter while her mother was in the next room. According to one family member, Mrs. Lodato's mother "never recovered from the loss of her daughter."

Charles Severance stole from nephews and nieces and cousins and neighbors and friends, and the Alexandria community, three people they loved, admired, valued and respected. Each was a pillar of their community, and their murders -- as he obviously intended -- sent shockwaves of grief and terror throughout the community.

And these shockwaves, as one family member put it, were "not like the rings spreading from a pebble thrown into quiet water, but like the concussive waves of a bomb blast."

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They reached not only to every corner of Alexandria – not only to the city’s residents afraid to open their doors, and not only to the generations of children who came to love music because they had Ruthanne Lodato as their teacher, and now had to learn a lesson of a very different sort – but these shockwaves also reached to relatives throughout the United States and indeed the world, whose lives were changed instantaneously and forever by a phone call with news so incomprehensible that it was like, as one family member wrote, “a sudden tear in reality.”

Across one ocean, in England, a daughter of Ruthanne Lodato – just 20 years old and doing a semester abroad – learned to her horror of her mother’s murder. She’d been pulled out of line at Customs and told she needed to call home and it was important. She describes the “terrible feeling” in her stomach and the certainty that “something had gone terribly wrong.” Moments later, she learned of her mother’s murder. She writes: “I howled and sobbed in the airport.” Charles Severance did this.

Across another ocean, in Australia, the brother and sister of Ron Kirby were told of their older brother’s death and were distraught. They had what the brother called the “heartbreaking” task of gathering together the effects of Ron Kirby’s life in Australia, including photos of Ron as a young boy, “looking so earnest and so innocent of the world....” Both brother and sister, when writing of their loss, focused on the fact that now they would never be able to see their brother again. Mr. Kirby’s sister writes: “[We] were all reaching the age where we would have had more free time to meet and talk about our lives and what we had seen and what we had learned in the years we had been apart. We will forever miss hearing Ron’s stories and spending that precious time with him and it is all because of a senseless and malicious act.” Charles Severance did this too.

And still there was more. Charles Severance chose to murder these three individuals in their own homes. That decision was, itself, an act of surpassing cruelty. He turned the one place that should be the safest and the most secure of sanctuaries into an abattoir of horror, the place where loved ones were slaughtered. Even worse, by killing them in their own homes, he made it certain and inevitable that their blood-soaked and bullet-riddled bodies would be discovered by their own family members, in the case of Nancy Dunning by her son, Chris, and her husband, Jim, and in the case of Ronald Kirby, by his son, Josef.

No son or daughter, no husband or wife, should ever have to face what Chris Dunning and Jim Dunning had to face on December 5, 2003, and what Josef Kirby had to face a decade later, on November 11, 2013. Trials of this nature – complex criminal trials that rely substantially on forensic evidence – necessarily focus on the dry and dispassionate language of science, on the tools of technology and analysis, and on the methodology of crime scene investigation. It is how criminal cases are proven and it is how this case, at least in part, was

proven. But none of it – not the hundreds of exhibits, or the scientific reports, or the certificates of analysis, or the expert testimony, or the diagrams and sketches and crime scene measurements, or the fingerprint analyses, or the DNA testing, or the autopsy reports, or the firearms examinations, or the documents establishing chains of custody – none of it, should distract anyone from the evidence that concerned the awful and agonizing moment when Nancy Dunning and Ron Kirby were discovered dead in their homes. To understand this point one need only to listen to Chris and Jim Dunning’s 911 call.

For this too, Charles Severance is responsible. He condemned each of these family members to bear witness to a nightmare – except, of course, this nightmare was real, this nightmare they could not wake from, and this nightmare got replayed again and again in what one family member called “flashbacks to the horror.”

At the Lodato home, the only thing that prevented Norman Lodato from being yet another family member to discover a gravely wounded loved one was the presence and intervention of Janet Dorcas Franko, Mrs. Lodato’s mother’s caregiver. When Ms. Franko came face to face with the murderer of Ruthanne Lodato, Charles Severance shot her, but she did not die. Instead, she would become the sole survivor, and would identify Charles Severance at this trial as her assailant. But that was still two years into the future. What she did immediately was to summon help and then, in an act of astonishing courage, this wounded woman went back into the house in an effort to render assistance, not even knowing if the killer was still present. Unfortunately, Mrs. Lodato could not be saved.

The impact on the lives of these family members was catastrophic and permanent and – as is clear from these victim impact statements – it is a trauma they wake up to every single day. Again and again, the Court reads in these statements expressions of such pain and such grief: “We are learning to suffer”; the “pain and loss will never subside”; it is a “deep, deep, deep pain”; it is an “unfathomable depth of pain”; “it’s a void that will never be filled”; and “my life ... is devastated.”

They have written of the depression and anxiety and physical ailments that these crimes inflicted upon them. They have written that Charles Severance’s crimes have shaken their faith in humanity – one family member wrote: “I have sometimes wondered whether evil exists in the world.... I no longer wonder” – and have even shaken their faith in their faith. They have written that they no longer feel safe in their homes. They have described the “quick flash of fear” and the torment they experience every time there is a knock at the door. They have written of big events in their lives – college graduations, new homes, new jobs, weddings – events that should have been full of joy but, instead, became stark reminders of what they have lost. As one family member wrote: “I will continue to feel sad, with every happy thing that happens in my life, because my Mom isn’t here to celebrate it with me.”

And, finally, and perhaps most sadly, they have written of their profound sorrow knowing that their children will never get to meet and be adored by the grandparents Charles Severance chose to murder. As one family member wrote: "I know that my mom could not wait to become a grandmother. It breaks my heart to think about how happy she would be holding her grandson." Said another family member: "It breaks my heart that all I can do is imagine the way she would know and love and support them...." But, she writes, "they'll never know her. And nothing that you could do or recommend with your sentencing will bring her back."

There is also great bravery in these victim impact statements. As one family member wrote of Charles Severance: "You have not defeated us." These family members express their determination not to have the memories of their loved ones defined by these cold-blooded killings, that some how and some day they will emerge from what one victim described as the "darkness" he inflicted upon them and they will be able to remember their parents, their siblings and their spouses with warmth, affection and joy, and not by how they died. Yet they know, as they have written in their statements, that the "hole in our hearts remain" and that they must somehow figure out how to live with this "horrible void." "Most days," wrote one family member, "I feel like I will never be 'happy' again."

No one reading these statements could possibly conclude that the passage of time will do much to dull this pain. It is, as one member of the Dunning family wrote, a "loss and grief that we still feel every day -- almost 12 years later." It is, as one member of the Lodato family wrote, something that "no amount of time" will fix; "[t]he pain and loss will never subside...." It is, as one member of the Kirby family wrote, an impact they will suffer for the rest of their lives.

Finally, we come to the direct impact of Charles Severance's crimes on the victims themselves. When he murdered Nancy Dunning, Ruthanne Lodato and Ronald Kirby, Charles Severance deprived them of their natural right to live out their lives as they saw fit. He cheated them of the opportunity to grow old -- as one family member said of Ruthanne Lodato: "she was supposed to" grow old "with my Dad". Charles Severance robbed Mrs. Dunning, Mr. Kirby and Mrs. Lodato of the pleasure of sharing the remainder of their lives with the people they loved and the people that loved them.

There's no knowing, of course, what the future might have had in store for them, how many years or decades they might have lived, but this much is known for certain: Nancy Dunning was just 56, Ruthanne Lodato just 59, and Ron Kirby still in his 60's, when Charles Severance took it upon himself to make certain that none of them would ever experience another second of joy. These victim impact statements make it utterly clear that Nancy Dunning, Ruthanne Lodato and Ronald Kirby were each fully and deeply engaged in their communities, in their work and, most of all, in their families. Life was not in the rear view mirror for any of them -- not until the very moment when Charles Severance did what no man has the right to do: he decided that these three vibrant human beings were done living.

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The Court has given Charles Severance the opportunity to make a statement before sentencing and the Court has given both counsel for the Commonwealth and counsel for the defendant an opportunity to make their arguments. The Court has also read the entirety of the presentence report, including voluminous information regarding his upbringing, his background, his family life, his mental health issues, and his prior contacts with law enforcement and the judiciary.

The Court does not see within any these materials, or in any of the evidence admitted at trial, or in any of the testimony adduced at trial, a single mitigating circumstance or justification that warrants the exercise of this Court's authority to reduce or modify the sentence determined by the jury. Indeed, it is entirely appropriate given the egregious nature of his misconduct, that each of these sentences should run consecutive to each other.

Therefore, the Court sentences Charles Severance as follows:

On Count One, the Capital Murder of Ruthanne Lodato, the Court sentences Charles Severance to imprisonment for life and a fine of \$100,000.

On Count Two, the Use of a Firearm in the Commission of the Murder of Ruthanne Lodato, the Court sentences Charles Severance to imprisonment for three years.

On Count Three, the Malicious Wounding of Dorcas Franko (also known as Janet Franko), the Court sentences Charles Severance to twenty years imprisonment and a fine of \$100,000.

On Count Four, the Use of a Firearm in the Commission of the Malicious Wounding of Dorcas Franko (also known as Janet Franko), the Court sentences Charles Severance to imprisonment for five years.

On Count Five, the Capital Murder of Ronald Kirby, the Court sentences Charles Severance to imprisonment for life and a fine of \$100,000.

On Count Six, the Use of a Firearm in the Commission of the Murder of Ronald Kirby, the Court sentences Charles Severance to imprisonment for five years.

On Count Seven, the First Degree Murder of Nancy Dunning, the Court sentences Charles Severance to imprisonment for life and a fine of \$100,000.

On Count Eight, the Use of a Firearm in the Commission of the Murder of Nancy Dunning, the Court sentences Charles Severance to imprisonment for five years.

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On Count Nine, Possession of a Firearm by a Felon on November 11, 2013, the Court sentences Charles Severance to imprisonment for five years.

On Count Ten, Possession of a Firearm by a Felon on February 6, 2014, the Court sentences Charles Severance to imprisonment for five years.

Each of these sentences is to run consecutive to each other, for a total as follows: three consecutive life sentences plus 48 years in prison plus \$400,000 in fines.

An Order in accordance with this letter opinion shall issue promptly.

Sincerely,

A black rectangular redaction box covering the signature of Randy I. Bellows.

Randy I. Bellows

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